UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,054	09/22/2003	Gregory J. Smith	08212/0200291-US0	7279

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EXAMINER
MILORD, MARCEAU

ART UNIT	PAPER NUMBER
2682	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/668,054	GREGORY J. SMITH
	Examiner	Art Unit
	Marceau Milord	2682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 September 2003*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *09 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some * c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   Paper No(s)/Mail Date. _____.

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)   5) ☐ Notice of Informal Patent Application (PTO-152)

     Paper No(s)/Mail Date _____.   6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
>
> described as set forth in section 102 of this title, if the differences between the subject
>
> matter sought to be patented and the prior art are such that the subject matter as a whole
>
> would have been obvious at the time the invention was made to a person having ordinary
>
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
>
> by the manner in which the invention was made.

2.   Claims 1, 3-10, 12-15, 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Schuster et al (US Patent No 6857021 B1) in view of Sizer, II et al (US Patent No 6021324)

and Olgaard et al (US Patent No 6542740 B1).

Regarding claim 1, Schuster et al discloses a method for enabling management of a

network appliance with a mobile node (figs. 3-4), comprising enabling the network appliance to

provide a beacon (col. 10, lines 20-64), wherein the beacon is created by a radio signal that is

generated with relatively low power (col. 4, line 16- col. 5, line 43); if the mobile node receives

the beacon, enabling the mobile node to pair with the network appliance; if the mobile node is

paired with the network appliance (col. 12, lines 28-65; col. 29, lines 18-45; col. 22, line 30- col.

23, line 65;col. 29, line 35-col. 30, line 60).

However, Schuster et al does not specifically disclose the feature of pushing an application from the mobile node to the network appliance; and enabling the mobile node to wirelessly communicate at least one management operation to the pushed application over a relatively short distance, wherein the management operation is provided to the network appliance for execution.

On the other hand, Sizer, II et al, from the same field of endeavor, discloses a system and apparatus that controls an appliance situated within a premises. A premises recording unit is able to receive and store telephone information from a telephone network and includes a wireless transmitter for generating and transmitting a packet of control information to a premises appliance such as a coffee pot (col. 2, lines 3-57). An appliance controller is spaced from the premises recording unit, but within range of the generated packet transmission, for interfacing with the premises appliance. The appliance controller includes a packet receiver for receiving the packet of control information and is responsive to the information for controlling operation of the appliance (col. 6, lines 30-64). The ring detection circuit detects the number of rings and transmits this information to the microprocessor .In response to the ring detection circuit, the microprocessor generates instructions to other components so that the call is answered . Thus, the user not only can retrieve messages while seated by using a premises phone, but also can operate various appliances throughout the office by that phone (col. 9, lines 10-47).

Olgaard et al also shows in figure 1, an interface server that is connected to a data store/database in which application data and configuration relating to the various types of interface clients may be stored. Olgaard et al shows in figure 2, a list of usable interface clients in proximity to a wireless link is received from the wireless link. A connection is then initiated with

the selected interface client in operation and an application is executed based on the capabilities

of the selected interface client in order to generate content in operation. A notification may be

received from the wireless link upon activation indicating that the wireless link has been

activated (col. 2, lines 1-26;col. 4, line 49-col. 5, line 42;col. 7, line 41-col. 8, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Olgaard to the modified system of Sizer and Schuster in

order to allow a user to carry a wireless link such as a mobile phone-like device to create a

connection to the interface client and this wireless link may include personal identification

information associated with the user and provide ways to encrypt the data to different extends.

Regarding claim 3, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the radio signal is

generated with approximately one milliwatt of power (col. 17, line 39-col. 18, line 27).

Regarding claim 4, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the relatively short

distance is approximately 14 meters (col. 18, lines 1-22).

Regarding claim 5, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein enabling the mobile

node to wirelessly communicate with the network appliance, further comprises authenticating an

operator of the mobile node (col. 22, line 43- col. 23, line 26; col. 25, lines 32-65).

Regarding claim 6, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the wireless

communication is based on a Bluetooth specification (col. 22, lines 1-49; col. 25, lines 32-65).

Regarding claim 7, Schuster et al as modified discloses a method for enabling management of a network appliance with a mobile node (figs. 3-4), wherein the network appliance further comprises at least one of a router, switch, firewall, content filter, file server, load balancer, and hub (col. 16, lines 9-60).

Regarding claim 8, Schuster et al as modified discloses a method for enabling management of a network appliance with a mobile node (figs. 3-4), wherein the mobile node further comprises at least one of a cellular telephone, smart phone, pager, radio frequency communication device, Personal Digital Assistant, handheld computer, laptop computer, personal computer, multiprocessor system, microprocessor-based consumer electronic device, programmable consumer device, network PC, and wearable computer (col. 14, lines 14-67).

Regarding claim 9, Schuster et al as modified discloses a method for enabling management of a network appliance with a mobile node (figs. 3-4), wherein the managing of the operation of the network appliance further comprises providing at least one operation, including configuration, load balancing, IP address assignment, metric collection, metric analysis, updates, maintenance, and security measures (col. 12, line 7-col. 13, line 34).

Regarding claim 10, Schuster et al discloses a system for enabling management of a network appliance with a mobile node (figs. 3-4), comprising a first wireless interface that is included with the network appliance and enables the network appliance to provide a beacon (col. 10, lines 20-64), wherein the beacon is created by a radio signal that is generated with relatively low power (col. 4, line 16- col. 5, line 43); a second wireless interface that is included with the mobile node, wherein if the mobile node receives the-beacon, the second wireless interface enables the mobile node to pair with the network appliance, and an application that is pushed

from the mobile node to the network appliance (col. 12, lines 28-65; col. 29, lines 18-45; col. 22, line 30- col. 23, line 65;col. 29, line 35-col. 30, line 60).

However, Schuster et al does not specifically disclose the feature of an application that is pushed from the mobile node to the network appliance, wherein the application enables the mobile node to wirelessly communicate at least one management operation over a relatively short distance to the network appliance, and wherein the management operation is provided to the network appliance for execution.

On the other hand, Sizer, II et al, from the same field of endeavor, discloses a system and apparatus that controls an appliance situated within a premises. A premises recording unit is able to receive and store telephone information from a telephone network and includes a wireless transmitter for generating and transmitting a packet of control information to a premises appliance such as a coffee pot (col. 2, lines 3-57). An appliance controller is spaced from the premises recording unit, but within range of the generated packet transmission, for interfacing with the premises appliance. The appliance controller includes a packet receiver for receiving the packet of control information and is responsive to the information for controlling operation of the appliance (col. 6, lines 30-64). The ring detection circuit detects the number of rings and transmits this information to the microprocessor .In response to the ring detection circuit, the microprocessor generates instructions to other components so that the call is answered . Thus, the user not only can retrieve messages while seated by using a premises phone, but also can operate various appliances throughout the office by that phone (col. 9, lines 10-47).

Olgaard et al also shows in figure 1, an interface server that is connected to a data store/database in which application data and configuration relating to the various types of

interface clients may be stored. Olgaard et al shows in figure 2, a list of usable interface clients in

proximity to a wireless link is received from the wireless link. A connection is then initiated with

the selected interface client in operation and an application is executed based on the capabilities

of the selected interface client in order to generate content in operation. A notification may be

received from the wireless link upon activation indicating that the wireless link has been

activated (col. 2, lines 1-26;col. 4, line 49-col. 5, line 42;col. 7, line 41-col. 8, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Olgaard to the modified system of Sizer and Schuster in

order to allow a user to carry a wireless link such as a mobile phone-like device to create a

connection to the interface client and this wireless link may include personal identification

information associated with the user and provide ways to encrypt the data to different extends

Regarding claim 12, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein enabling the mobile

node to wirelessly communicate with the network appliance, further comprises authenticating an

operator of the mobile node (col. 22, line 43- col. 23, line 26; col. 25, lines 32-65).

Regarding claim 13, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the wireless

communication is based on a Bluetooth specification (col. 22, lines 1-49; col. 25, lines 32-65).

Regarding claim 14, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the managing of the

operation of the network appliance further comprises providing at least one operation for

execution, including configuration, load balancing, IP address assignment, metric collection,

metric analysis, updates, maintenance, and security measures (col. 12, line 7-col. 13, line 34).

Regarding claim 15, Schuster et al discloses an apparatus for enabling management of a

network appliance with a mobile node (figs. 3-4), comprising a wireless interface that is included

with the network appliance and enables the network appliance to perform actions, including:

providing a beacon, (col. 10, lines 20-64), wherein the beacon is created by a radio signal that is

generated with relatively low power (col. 4, line 16- col. 5, line 43);; if the mobile node receives

the beacon, enabling the mobile node to pair with the network appliance (col. 12, lines 28-65;

col. 29, lines 18-45; col. 22, line 30- col. 23, line 65;col. 29, line 35-col. 30, line 60).

However, Schuster et al does not specifically disclose the feature of enabling an

application that is pushed from the mobile node to be received by the network appliance, wherein

the received application enables the mobile node to wirelessly communicate at least one

management operation over a relatively short distance to the network appliance, and wherein the

management operation is provided to the network appliance for execution.

On the other hand, Sizer, II et al, from the same field of endeavor, discloses a system and

apparatus that controls an appliance situated within a premises. A premises recording unit is able

to receive and store telephone information from a telephone network and includes a wireless

transmitter for generating and transmitting a packet of control information to a premises

appliance such as a coffee pot (col. 2, lines 3-57). An appliance controller is spaced from the

premises recording unit, but within range of the generated packet transmission, for interfacing

with the premises appliance. The appliance controller includes a packet receiver for receiving the

packet of control information and is responsive to the information for controlling operation of the

appliance (col. 6, lines 30-64). The ring detection circuit detects the number of rings and

transmits this information to the microprocessor .In response to the ring detection circuit, the

microprocessor generates instructions to other components so that the call is answered . Thus,

the user not only can retrieve messages while seated by using a premises phone, but also can

operate various appliances throughout the office by that phone (col. 9, lines 10-47).

Olgaard et al also shows in figure 1, an interface server that is connected to a data

store/database in which application data and configuration relating to the various types of

interface clients may be stored. Olgaard et al shows in figure 2, a list of usable interface clients in

proximity to a wireless link is received from the wireless link. A connection is then initiated with

the selected interface client in operation and an application is executed based on the capabilities

of the selected interface client in order to generate content in operation. A notification may be

received from the wireless link upon activation indicating that the wireless link has been

activated (col. 2, lines 1-26;col. 4, line 49-col. 5, line 42;col. 7, line 41-col. 8, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Olgaard to the modified system of Sizer and Schuster in

order to allow a user to carry a wireless link such as a mobile phone-like device to create a

connection to the interface client and this wireless link may include personal identification

information associated with the user and provide ways to encrypt the data to different extends

Regarding claim 17, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein enabling the mobile

node to wirelessly communicate with the network appliance, further comprises authenticating an

operator of the mobile node (col. 22, line 43- col. 23, line 26; col. 25, lines 32-65).

Regarding claim 18, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the wireless

communication is based on a Bluetooth specification (col. 22, lines 1-49; col. 25, lines 32-65).

Regarding claim 19, Schuster et al as modified discloses a method for enabling

management of a network appliance with a mobile node (figs. 3-4), wherein the managing of the

operation of the network appliance further comprises providing at least one operation for

execution, including configuration, load balancing, EP address assignment, metric collection,

metric analysis, updates, maintenance, and security measures (col. 12, line 7-col. 13, line 34).

Regarding claim 20, Schuster et al discloses a computer readable media, tangibly

embodying instructions to perform actions (figs. 3-4), comprising: enabling a network appliance

to provide a beacon (col. 10, lines 20-64), wherein the beacon is created by a radio signal that is

generated with relatively low power (col. 4, line 16- col. 5, line 43); if a mobile node receives the

beacon, enabling the mobile node to pair with the network appliance; if the mobile node is paired

with the network appliance (col. 12, lines 28-65; col. 29, lines 18-45; col. 22, line 30- col. 23,

line 65;col. 29, line 35-col. 30, line 60).

However, Schuster et al does not specifically disclose the feature of a means for pushing

an application from the mobile node to the network appliance; and enabling the mobile node to

wirelessly communicate at least one management operation to the pushed application over a

relatively short distance, wherein the management operation is provided to the network appliance

for execution.

On the other hand, Sizer, II et al, from the same field of endeavor, discloses a system and

apparatus that controls an appliance situated within a premises. A premises recording unit is able

to receive and store telephone information from a telephone network and includes a wireless

transmitter for generating and transmitting a packet of control information to a premises

appliance such as a coffee pot (col. 2, lines 3-57). An appliance controller is spaced from the

premises recording unit, but within range of the generated packet transmission, for interfacing

with the premises appliance. The appliance controller includes a packet receiver for receiving the

packet of control information and is responsive to the information for controlling operation of the

appliance (col. 6, lines 30-64). The ring detection circuit detects the number of rings and

transmits this information to the microprocessor .In response to the ring detection circuit, the

microprocessor generates instructions to other components so that the call is answered. Thus, the

user not only can retrieve messages while seated by using a premises phone, but also can operate

various appliances throughout the office by that phone (col. 9, lines 10-47).

Olgaard et al also shows in figure 1, an interface server that is connected to a data

store/database in which application data and configuration relating to the various types of

interface clients may be stored. Olgaard et al shows in figure 2, a list of usable interface clients in

proximity to a wireless link is received from the wireless link. A connection is then initiated with

the selected interface client in operation and an application is executed based on the capabilities

of the selected interface client in order to generate content in operation. A notification may be

received from the wireless link upon activation indicating that the wireless link has been

activated (col. 2, lines 1-26;col. 4, line 49-col. 5, line 42;col. 7, line 41-col. 8, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Olgaard to the modified system of Sizer and Schuster in

order to allow a user to carry a wireless link such as a mobile phone-like device to create a

connection to the interface client and this wireless link may include personal identification

information associated with the user and provide ways to encrypt the data to different extends

Regarding claim 21, Schuster et al discloses a method for enabling management of a

network appliance with a mobile node (figs. 3-4), comprising means for enabling the network

appliance to provide a beacon (col. 10, lines 20-64), wherein the beacon is created by a radio

signal that is generated with relatively low power (col. 4, line 16- col. 5, line 43); if the mobile

node receives the beacon, means for enabling the mobile node to pair with the network

appliance; if the mobile node is paired with the network appliance (col. 12, lines 28-65; col. 29,

lines 18-45; col. 22, line 30- col. 23, line 65;col. 29, line 35-col. 30, line 60).

However, Schuster et al does not specifically disclose the feature of a means for pushing

an application from the mobile node to the network appliance; and means for enabling the

mobile node to wirelessly communicate at least one management operation to the pushed

application over a relatively short distance, wherein the management operation is provided to the

network appliance for execution.

On the other hand, Sizer, II et al, from the same field of endeavor, discloses a system and

apparatus that controls an appliance situated within a premises. A premises recording unit is able

to receive and store telephone information from a telephone network and includes a wireless

transmitter for generating and transmitting a packet of control information to a premises

appliance such as a coffee pot (col. 2, lines 3-57). An appliance controller is spaced from the

premises recording unit, but within range of the generated packet transmission, for interfacing

with the premises appliance. The appliance controller includes a packet receiver for receiving the

packet of control information and is responsive to the information for controlling operation of the

appliance (col. 6, lines 30-64). The ring detection circuit detects the number of rings and

transmits this information to the microprocessor .In response to the ring detection circuit, the

microprocessor generates instructions to other components so that the call is answered . Thus,

the user not only can retrieve messages while seated by using a premises phone, but also can

operate various appliances throughout the office by that phone (col. 9, lines 10-47).

Olgaard et al also shows in figure 1, an interface server that is connected to a data

store/database in which application data and configuration relating to the various types of

interface clients may be stored. Olgaard et al shows in figure 2, a list of usable interface clients in

proximity to a wireless link is received from the wireless link. A connection is then initiated with

the selected interface client in operation and an application is executed based on the capabilities

of the selected interface client in order to generate content in operation. A notification may be

received from the wireless link upon activation indicating that the wireless link has been

activated (col. 2, lines 1-26;col. 4, line 49-col. 5, line 42;col. 7, line 41-col. 8, line 36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

was made to apply the technique of Olgaard to the modified system of Sizer and Schuster in

order to allow a user to carry a wireless link such as a mobile phone-like device to create a

connection to the interface client and this wireless link may include personal identification

information associated with the user and provide ways to encrypt the data to different extends

3.   Claims 2, 11,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster

et al (US Patent No 6857021 B1) in view of Sizer, II et al (US Patent No 6021324) as applied to

claim 1 above, and further in view of Farris et al (US Patent No 6167253).

Regarding claims 2, 11 and 16, Schuster, Sizer and Olgaard disclose everything claimed as explained above, except the features of the pushed application which is at least one of a JAVA application, binary file, and script.

However, Farris et al discloses in figure 24, a software implementation architecture for the Java language, where programs or applets written in Java are compiled to an intermediary form called a byte code, and this byte code is translated by a Java interpreter into code that is used by the Web browser to perform system functions (col. 37, line 6- col. 38, line19; col. 40, line 43- col. 41, line 60). Farris et al also shows in figure 28 how the Java JDBC Application Programmer Interface allows the time card application to communicate directly with the DBMS, where the browser loads the time card applet, the user enter the data, and the applet validates the fields locally before sending the data directly to the DBMS via JDBC (col. 43, line 8-col. 44, line 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Farris Olgaard to the modified system of Olgaard, Sizer and Schuster in order to allocate sufficient resources between the interactive relationship of the optional information provider and the portable audio program listener.

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suumaki et al US Patent No 6847610 B1 discloses a method for optimizing data transmission in a packet switched wireless data transmission system.

Thomas US Patent No 6498939 B1 discloses an antenna network system that comprises a server including a transmitter and an antenna, and a client including a receiver and a steerable antenna.

Sahinoglu et al US Patent No 6759946 B2 discloses a network that enables remote users to communicate with, and to control a variety of devices whose only electrical connection is to a power line network.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marceau Milord whose telephone number is 703-306-3023. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD   Marceau Milord

Examiner

MARCEAU MILORD   Art Unit 2682
PRIMARY EXAMINER

3-14-05